

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
MARCH 20, 2006

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at p.m. on March 20, 2006 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT

Suzanne Morrow
Darrell Hanson, Chair
Jerry Peckumn, Vice Chair
Donna Buell
Francis Thicke
Mary Gail Scott
David Petty
Lisa Davis Cook, Secretary
Henry Marquard

COMMISSIONERS ABSENT

ADOPTION OF AGENDA

Jeff Vonk asked to withdraw Item 13b –Referral of Charles Deering to the Attorney General's Office. The Department is working on negotiating with Mr. Deering.

Motion was made by Lisa Davis Cook to approve the agenda as amended. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Jerry Peckumn questioned Wayne Gieselman's remarks on page 8 of the February EPC minutes. Is the construction permit automatically approved after the 30 day deadline if no action is taken by the Department?

Jeff Vonk said that the permit needs to be either approved or denied within the 30 day unless an extension is requested by the producer and then granted by the Department. This issue will be discussed more later in the meeting.

Motion was made by Jerry Peckumn to approve the minutes as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTORS REMARKS

Jeff Vonk said that the Administrative Rules Committee in the legislature allowed the water quality standards rule to stand as passed. There is a bill opposing the Department's Discretion bill. (SF 2377) This bill has passed the Senate and is live in the House.

There is action in the House in regards to our budget, though, so far, it is not acceptable to us because there is no money set aside for air quality monitoring.

David Petty asked about SF 2284.

Jeff Vonk said that there is a group in Marshalltown that would like to see a lake bill in that area - Clear Creek Lake. There was a feasibility study done on the area about 30 years ago which indicated that this was feasible. SF2284 directs Iowa State University to begin discussions with the DNR to sell the Rhodes Research Farm to the department. The key of the Rhodes Research farm is that to construct this lake in the future, you need to have access to the dam site and the dam site is on the Rhodes Research farm. ISU said that they don't have any long term needs for farm. The Cattlemen have said that they don't want the DNR to take over the Rhodes Research Farm property, so the intent of this bill is to give ISU some direction to begin talks with DNR to purchase the property. The eventual goal would be to construct a lake in that area.

INFORMATIONAL ONLY

CONTRACT - CONSUMER CONFIDENCE REPORTS

Tammie Krausman of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract amendment in the amount of \$ 40,454.00 with the Iowa Association of Municipal Utilities to extend the current services to December 31, 2007.

The purpose of this amendment is to retain the Contractor to continue to provide training through regional workshops on the preparation of Consumer Confidence Reports for community water supplies serving fewer than 10,000 persons.

Funding for this contract comes from Drinking Water State Revolving Fund (DWSRF) State Program Management Set-Aside and Water Quality protection funds (water system fees and Environment First funds).

<i>Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

CONTRACT – COUNTRY CROSSINGS, L.L.P. – FIELD OFFICE 4 LEASE RENEWAL

Tammie Krausman of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$3,879 per month for 24 months (\$93,096 in total) with Country Crossings, L.L.P. for rental of office space in Atlantic, IA, for operation of Field Office 4.

The Field Office 4 Staff, comprised of about 14 staff members, conducts necessary field work for the Environmental Services Division. Office space centrally located in Region 4 of the state is necessary for this staff to complete its work, and the leased building meets the staff's needs.

The Department will pay rent for this office space using funds budgeted for Field Office operations and as allocated to the Department through the General Fund.

In negotiating the term of this lease, the Department investigated similar buildings in Atlantic, IA, that offered similar amenities and services. The average annual price per square foot of these comparable office spaces was between \$9.00 and \$9.12. The proposed lease would renew the rental rate at \$8.90 per square foot of office space. The lease will run for two years, as opposed to a traditional five-year lease term, in anticipation of the proposed Southwest Regional Center being appropriated.

Motion was made by Donna Buell to approve the contract with Country Crossings as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

CARISSA LENFERT, ICCI member presented and submitted the following comments:

ICCI members have strong concerns with the DNR's "odor field study" that was released on March 8th.

We believe there were several major flaws with the study that compromised the results.

- 1) The study failed to include the response time between when an odor complaint was received and the time the actual odor measurement was taken. This is a crucial piece of information, especially when dealing with the time sensitive issue of wind direction. Was the response time hours or even days after the complaint was logged? We can only wonder because the information was not included in the study.
- 2) Only taking measurements during a set and specific period of the day – business hours – leaving out early mornings and evenings when lower winds bring stronger odors.
- 3) Yet, the DNR has led the public to believe that this study was entirely in response to citizen complaints and that they monitored the "worst-of-the-worst" cases because it

was in response to citizen complaints. However, the DNR has failed to publicize that only 17% of the measurements taken were in response to citizen complaints.

For all of these reasons, we believe that the DNR's attempt to conduct an "odor field study" was extremely flawed and the DNR is obligated to address the issue of CAFO air pollution.

Thousands of Iowans have been asking for help for years on this issue. It is the DNR's responsibility to take action, not put out papers that distort the issue and attempt to mislead the general public.

On behalf of the 3,200 members of Iowa Citizens for Community Improvement, we are imploring the Environmental Protection and the DNR to take strong and swift action on this issue.

GLEND A WALKER, representing the citizens near the proposed Farson hog site.

Our concerns are that the land is very hilly, it's very close to waterways and Coppertine Creek and the drag hose is being run across the creek and up steep hills. Why did the DNR extend the permit for another 30 days, when they asked for an extension after 4:30 on the day of their deadline ? We were told by DNR staff that the close of business was 4:30PM.

The MMP has been re-submitted at least two times and still has inaccurate numbers to calculate the amount of manure produced, yield rates, erosion rates and the P-index. This is very highly erodible ground and is a bad site for a hog confinement. This permit should be denied.

KARI CARNEY, ICCI member addressed SF 2377 and HF 2744. Recently the Director Jeff Vonk made a comment that he believed Iowa laws favored factory farms at the expense of neighbors. We believe with this. Factory farms and their big money supporters have been hard at work with the legislature to try and take away the ability of this commission and this agency's position to protect the air, water and natural resources.

SF 2377 takes away the DNR's and EPC's authority away over factory farms in many ways. It neutralizes the water protection rule that gives DNR greater authority to deny or modify a permit or manure management plan. It also prevents the DNR from using anything other than exactly what's in the Iowa code to make a decision. Some of the decisions that the EPC has made over the last year pertaining to permits would be nullified.

The site in Davis County was inspected by the DNR before a decision was made with the permit. The DNR noticed that the proposed location would be too close to a waterway. They would not have known that if they weren't allowed to inspect the site beforehand. This bill would prevent the DNR from inspecting the site beforehand.

We also hear how factory farms are such good neighbors. But some facilities are applying manure right up to the city limits and behind family's homes.

We need this rule so the DNR can inspect and check separation distances before a permit is granted.

HF 2744 Factory Farm Unity bill, which forces DNR field office staff to be attorneys. It basically says that the advice of the FO staff becomes legally binding. This is in violation of the Code. This is not a good bill.

We are urging this Commission and the DNR to strongly fight against these bills.

Henry Marquard asked Jeff Vonk the Department's stand on these bills.

Jeff Vonk said that we are opposed to both of them. If HF 2744 passes, then we will not give advice to individuals/producers who ask questions. This is a bad bill.

ELDON MCAFEE, representing the Iowa Cattlemen's Association addressed item 9 – Open Feedlot Rules. Item #17 of the rule was not a proposal at the time of public comment. Our concern is that inserting the word “minimum” into the monitoring requirements for an alternative technologies system. ICA is strongly opposed to adding that word, because it would change the whole concept of the rule. 459A.303 lays out the standard for Alternative technology systems as noted below: In lieu of using a settled open feedlot effluent basin as provided in section 459A.302, to meet the open feedlot effluent control requirements of section 459A.401, an open feedlot operation may use an alternative technology system for open feedlot effluent control.

1. The alternative technology system must provide an equivalent level of open feedlot effluent control as would be achieved by using a settle open feedlot effluent basin.
2. The department shall adopt rules establishing requirements for the construction and operation of alternative technology systems.

2005 Acts, ch 136, §13

NEW section

By inserting the word “minimum” it leaves an unknown. The purpose of HF 805 and these rules was to give producers certainty in knowing what to do to comply with the rules. Producers need certainty.

Item #15 – We did comment on this but the Department did not incorporate our comments into the rule. In the current rule as proposed here in this item, if you have an existing feedlot that wants to expand and needs an NPDES permit, current DNR rules require you to request for that permit 180 days in advance of the scheduled expansion. The federal rule is 90 days after the expansion. This rule is much more stringent than the federal rule. We ask that the rule follows the federal rule, however; our proposal would be to submit 90 days before the scheduled expansion. It would coincide with the construction permit requirements. (60 days to approve plus a 30 day extension) We would request that you change the 180 days to 90 days before scheduled expansion.

CHRIS GRUENHAGEN, representing the Iowa Farm Bureau concurs with Eldon McAfee's comments in striking the word “minimum” of Item #17.

In regards to item #9 of the Open Feedlot regulations, we originally asked that you strike this item. We made this comment in regards to engineers who did the soil investigations and said that it was a safety factor to use test pits for conventional systems as opposed to a AT system. With further communications, once the responsiveness summary came out from the engineer, they would like to continue with test pits as an option for existing sites where excavation has happened, so then the test pit would not be from the surface of the ground to ten feet below it. It would just be from the bottom of the structure. We would like to ask the commission to strike item #26 from the rule packet, which would have the effect of allowing test pits to be used for conventional systems. 65.104(9)(3)d

Item #15 – We would like to see the following changes made to 65.104(3) Expansion of existing animal feeding operations. A person intending to expand an existing animal feeding operation which , upon completion of the expansion, will be defined as a CAFO shall apply for an NPDES permit at least ~~180~~ 90 days prior to the scheduled expansion. Operation of the expanded portion of the facility shall not begin until an NPDES permit is obtained; however, if an NPDES permit is obtained, operation of the expanded portion of the facility may begin.

We believe the 90 days prior to the scheduled expansion should be consistent with the construction permit time limit and we ask that you adopt the stated changes.

CHRIS PETERSEN, President of the Iowa Farmers Union said that the DNR needs to fight for clean air and water. We do not support and publicly oppose any legislation that takes away inspection and enforcement by the DNR on factory farms. We believe in community good, the common good and property rights. Anyone has the right to do what they wish on their property but if it starts to affect their neighbors air, water and property value, they are not doing what's right. Where are we going with the odor study?? I believe there are more problems with odor then what has been reported by the DNR.

I do thank you for the work that is being done.

AFO CONSTRUCTION PERMIT APPLICATION FOR TWIN PINES, LLC, WAPELLO COUNTY

Gene Tinker of the DNR's Environmental Services Division said that the application does meet the requirements for a construction permit, but there are still issues with the manure management plan. . It has not been approved, they did ask for a 30 day extension and that has been granted.

Jerry Peckumn asked how many extensions can be requested.

Gene Tinker said an unlimited amount.

Donna Buell stated her concerns with the unlimited amounts of extensions. If their permit is denied then they should go back start the application process all over.

Jerry Peckumn asked if MMP's are reviewed.

Gene Tinker said that all MMPs are reviewed though not all of them are thoroughly reviewed due to the lack of time involved. If we were to do a more through review then we would have to cut out other areas.

Darrell Hanson said that the RUSLE2 calculation would take specialized training to notice issues.

Francis Thicke said that the RUSLE2 calculations can be altered depending on the inputs to get the result that you want. How can we resolve this?

Darrell Hanson suggested that the Department randomly pull 5% of the applications to get thoroughly checked and if there is false information, penalties could be issued.

Henry Marquard said that there should be a penalty other than just denying a permit when the material submitted is fraudulent.

Motion was made by Francis Thicke to recommend that the DNR denies the construction permit of Twin Pines LLC because the Manure Management plan has too many inconsistencies to allow a valid calculation of the P-index. Seconded by Sue Morrow.

Jeff Vonk said anytime you make the statement of fraud you need to be able to prove that it's fraud and not a mistake.

Donna Buell said that there should be a limit to how many times you are allowed to extend your permit application.

Mary Gail Scott asked how often the Department extends the time frame for manure management plans.

Jeff Vonk said that it happens fairly often. It is a workload issue, there is limited staff. We work with the industry to help make the plans right rather than just regulating, unless the Commission directs us to do otherwise.

Mary Gail Scott said that it's good to keep a working relationship with the industries.

Francis Thicke said that we need to send the message that we are checking these and that there will be penalties for false information.

Mary Gail Scott suggested that the professional engineer who certifies the MMP, should put his P.E. license on the line.

Gene Tinker said that due to the complexity of the RUSLE2 and the phosphorus index, and the limited staff time, we've had to trust the industry that they are doing it properly.

Darrell Hanson said that he is uncomfortable voting in favor of Francis's motion due to the fact that this could set a precedence.

Roll call vote was taken on Francis's motion: Jerry Peckumn – aye; Darrell Hanson – nay; Lisa Davis-Cook – aye; Henry Marquard – nay; Donna Buell – aye; Sue Morrow – aye; David Petty – aye; Francis Thicke – aye; Mary Gail Scott – nay. Motion carries.

Henry Marquard said that there should be a policy on how many times you are allowed to ask for extensions. Are there any legal consequences for submitting false information into a MMP? That is something we should look into.

NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

Ubbo Agena of the Environmental Services Division presented the following item.

Commission approval is requested for the following 18 contracts for nonpoint source (NPS) pollution control projects. The total amount of the contracts is \$3,134,400.

The funds for these contracts will come from the FFY2005 Section 319 grant, contingent upon receipt of the grant award. This EPA grant is awarded specifically for these nonpoint source pollution control projects. Funding from other state and federal programs is also being used to support many of these projects. Most of these projects are multiple year projects and Commission approval is being sought for the entire project periods.

The Section 319 funds to be provided during the entire project period, project descriptions, and the activities supported with the Section 319 funds are provided below.

Contracts with the Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation (IDALS/DSC):

- **South Fork Maquoketa River Water Quality Project, Buchanan County, \$150,000** - This contract will support a two-year extension of an ongoing project to protect and improve the overall water quality within the South Fork watershed and decrease the amount of pollutants delivered to the Maquoketa River and Backbone Lake (which is on Iowa's Section 303(d) list of impaired waters). BMPs to be promoted include: waterways, filter strips, contouring, no-till, timber stand improvement, tree planting, wetland restoration, animal waste systems, nutrient management, and streambank stabilization. Water quality monitoring will be conducted, along with a comprehensive information/education component. Contract funds will be used to support a full-time project coordinator, associated project costs, and financial incentives for BMP implementation.
- **Big Wall Lake Restoration Project, Wright County, \$186,050** - This contract will support a new project sponsored by the Wright County SWCD to improve the water quality of Big Wall Lake. Big Wall Lake is included in Iowa's Section 303(d) list of impaired waters due to exotic species. The state's assessment concluded common carp have infested the water body and by their feeding actions cause the re-suspension of sediment, high turbidity and lack of submergent and emergent vegetation. This project proposes to install an outlet

structure designed to drawdown the lake, allow the lake to freeze or treat small deeper areas with Rotenone to kill fish populations, and then keep the lake dry for sufficient time to allow for regeneration of the plant community. In addition, an information/ education component will be conducted to document and promote the project. Contract funds will be used for construction of the outlet structure, wetland restoration and dike repair, to support the I/E activities and to support the ¼ time project coordinator.

- **Deer Creek and North Branch Sub-sheds of Clear Creek, Iowa and Johnson Counties, \$250,000** - This is a new a new three year project to protect and improve the water quality of Deer Creek and North Branch, two tributaries of Clear Creek, which enters the Iowa River approximately 4 miles upstream from the University of Iowa water intake. Assessments accomplished through a Development Grant, a SWAT analysis and snapshot water quality sampling identified the Deer Creek and North Branch sub-sheds as contributing high levels of sediment and E. coli to Clear Creek. These assessments also identified areas to be targeted for treatment or management improvements. BMPs proposed include: filter strips, contour buffer strips, grassed waterways, nutrient management, animal waste facilities, etc., with a goal of reducing sediment delivery by 30% and to reduce E.coli to no more than 235 MPN. In addition, water quality monitoring will be conducted and an information/education program will include: landowner meetings, news releases, meetings, etc. Contract funds will be used to support a project coordinator and associated costs, and financial incentives for the BMPs.
- **Burr Oak/Turtle Creek Water Protection Project, Mitchell County, \$150,000** - This contract will support a new three-year project to protect and improve the water quality of Burr Oak and Turtle Creek. Both streams are coldwater trout streams, with Turtle Creek currently being stocked by IDNR and used extensively for trout fishing. Burr Oak is currently not being stocked with trout, however it has exhibited some level of natural reproduction of brown trout. Landowners, IDNR Fisheries staff, and ISU extension have identified nutrients, animal wastes and sediment as impacting water quality of the two streams. BMPs proposed to address these concerns include: animal waste facilities, conservation buffers, streambank stabilization, nutrient management, grassed waterways, wetlands, riparian buffer, etc. In addition, an information/education program will be conducted to include: landowner meetings, news releases, meetings, etc. Contract funds will be used to support a project coordinator and associated costs, and financial incentives for the BMPs.
- **Water Quality in Rathbun Lake: BMPS for Targeted Sub-Watersheds 2005, Wayne, Lucas, and Decatur Counties, \$250,000** This contract will support a new two-year project specific to Upper Fivemile Creek (Lucas and Wayne Counties), Chariton River #1 (Decatur and Wayne Counties), and Upper Ninemile Creek (Wayne County) watersheds and is a prioritized component of the overall and ongoing efforts being undertaken in the Rathbun Lake watershed. BMPs to be promoted include: terraces, grade stabilization structures, sediment control basins, ICM practices, improved grazing practices, riparian forest buffers and filter strips. GIS technology will be used in planning and evaluation of the effectiveness of the BMP implementation. Water quality monitoring will be conducted, along with a

comprehensive information/education component. Contract funds will be used to support a project coordinator and associated costs, and financial incentives for the BMPs.

- **Bear Creek Watershed Project, Delaware County, \$300,000** - This contract will support a new three-year project sponsored by the Delaware County SWCD to protect and improve the water quality of Bear Creek. Bear Creek is a warm water stream which is included on Iowa's Section 303(d) list of impaired waters due to a number of fish kills in past years attributed to animal waste discharges. The Bear Creek watershed is intensively farmed with hogs, beef cattle, dairy and row crop. GIS assessment of the watershed and input from a local watershed board has identified priority areas to be targeted for practice implementation. BMPs to be promoted include: grassed waterways, terraces, water and sediment control basins, no-till incentives, contouring, filter strips, streambank stabilization, etc. In addition, water quality monitoring will be conducted and an information/education program will include: landowner meetings, news releases, meetings, etc. Contract funds will be used to support a project coordinator and associated costs, and financial incentives for the BMPs.
- **Clean Water – Lyon County Demo, Lyon County, \$204,500** - This contract will support a new three-year project sponsored by the Lyon County SWCD to demonstrate how to economically address water quality problems associated with open feedlot cattle operations, specifically in northwestern Iowa. This project will establish demonstration sites at 6 nonpermitted feedlots in the western part of Lyon County draining to the Big Sioux River, which is included on Iowa's Section 303(d) list of impaired waters due to fecal coliform bacteria, suspended solids, and biological. These demonstration sites will use alternative, cost effective measures to maintain or grow cattle feeding businesses in Lyon County in an environmentally friendly manner. The 6 sites will be established on various sized operations. Watershed Development grants were provided in 2003 and again in 2004 to complete an assessment and inventory of current livestock operations. This information will be used in determining the demonstration sites and to measure the effectiveness of the practices. An intensive information/education campaign will be conducted to promote these alternative systems throughout northwestern Iowa. Contract funds will be used to support a half-time project coordinator and associated costs, costs to establish the demonstration sites, and support for the information/education program.
- **Addressing Siltation and Nutrient Water Quality Problems in Badger Creek Lake Watershed, Madison County, \$300,000** - This contract will support a new three-year project sponsored by the Madison County SWCD to protect and improve the water quality of Badger Creek Lake. Badger Creek Lake is included on Iowa's Section 303(d) list of impaired waters due to excessive siltation and nutrients. Badger Creek Lake is considered a valuable recreational and fishing resource in the area. Nonpoint pollution through gully, streambank/streambed, sheet and rill, and shoreline erosion are contributing to the poor water quality of the lake. A local watershed assessment and the TMDL document prepared by IDNR staff identified the priority areas to be targeted for BMP implementation. BMPs to be promoted include: terraces, sediment basins, grade stabilization structures, prescribed grazing, grassed waterways, pasture and hayland planting, buffers, nutrient management, wetlands, etc. In addition, an information/education program will be conducted to promote the project throughout the watershed using field days, news releases/articles, signage and

volunteer water quality monitoring. Contract funds will be used to support a project coordinator and associated costs, and financial incentives for the BMPs.

- **Mineral Creek Water Quality Project, Jones County, \$77,000** – This contract will support a one-year extension of an ongoing project to protect and improve the water quality of Mineral Creek. Mineral Creek has been determined to be delivering excessive sediment, nutrients and bacteria to the Maquoketa River. BMPs being implemented include grassed waterways, water and sediment basins, terraces, buffer strips, streambank stabilization, wetlands, animal waste control facilities, and nutrient and pest management programs. Contract funds will be used to support project staff, associated project costs, and financial incentives for BMP implementation.
- **Camp Creek Watershed Project, Polk County, \$100,000** - This contract will support a one-year extension of an ongoing project to protect and improve the water quality of Camp Creek, which is on Iowa's Section 303(d) list of impaired waters. The focus of project activities will be on a corridor approximately ½ mile on each side of the stream. A secondary focus will be the corridors of tributary streams. BMPs to be promoted include: riparian buffers, grass filter strips, streambank stabilization, nutrient management, grazing management, and timber stand improvement. Contract funds will be used to support a full-time project coordinator, associated project costs, and financial incentives for BMP implementation.
- **Clear Lake Enhancement and Restoration Project, Hancock and Cerro Gordo Counties, \$100,000** - This contract will support a one-year extension of a project to protect and improve the water quality of Clear Lake. Clear Lake and the associated Ventura Marsh are both listed on Iowa's Section 303(d) list of impaired water. Project activities include nutrient management demonstration sites, nutrient management practices, wetland construction for stormwater filtration, no-till and other conservation tillage practices. This project also includes information/education activities. Contract funds will be used to support salary and benefits for the project coordinator and associated costs, and financial incentives for BMP implementation.
- **Lake Darling Water Quality Improvement Plan, Washington County, \$100,000** This contract will support a one-year extension of an ongoing project to protect and improve the water quality of Lake Darling. Lake Darling is included on Iowa's Section 303(d) list of impaired waters. Impacts identified include sedimentation and nutrients, primarily from agricultural activities. Practices being promoted throughout the watershed include: terraces, water/sediment basins, grade stabilization structures, nutrient/pest management, no-till, buffers, etc. A water quality monitoring program and an information/education component are included in the project's activities. Contract funds will support part-time staff, water quality monitoring costs, and financial incentives for BMP implementation.
- **Rock Creek Lake Watershed Improvement Project, Jasper County, \$90,900** - This contract will support a one-year extension of an on-going project to protect and improve the water quality of Rock Creek Lake, listed on Iowa's Section 303(d) list of impaired waters. This project is implementing a variety of BMPs to reduce sediment and nutrient delivery to

the lake, with considerable emphasis on use of large ponds and other structural practices within the major drainage ways of the watershed. Contract funds will be used to support a full-time staff person and expand and accelerate BMP implementation in this watershed.

Contract with Northeast Iowa Resource Conservation and Development Inc.:

- **Assessing, Targeting and Tracking of Impaired Watersheds in Northeast Iowa, Winneshiek, Allamakee and Howard Counties, \$127,200** – This contract will support an expansion of an ongoing project to protect and improve water quality in the Upper Iowa River Watershed to include the Turkey River and Yellow River watersheds. This project is sponsored by the Resource Conservation and Development for Northeast Iowa Inc., in partnership with the Winneshiek, Allamakee and Howard County SWCDs. The project provides support for developing projects within the targeted watersheds with GIS assessments and data collection, tracking of practices and documenting water quality improvements of such. Contract funds will be used to support the GIS staff and associated costs. (USEPA has awarded funding to support the project coordinator.)

Contract with River Action, Inc.:

- **Scott Community College Bioswale and Green Roof Learning Experience, \$25,000** This is a new one-year project sponsored by River Action, Inc., Davenport, Iowa. The city of Bettendorf and Scott County Community College are cooperating to complete a major campus renovation of a former grocery store building. A bioswale and green roof will be installed as part of this renovation. These practices have the potential to significantly reduce the quantity of stormwater runoff and the contaminants, specifically sediment and nutrients, contained in the runoff. These practices will then be promoted through the environmental education program offered through Scott County Community College and through an information/education program to be completed by River Action, Inc. Contract funds will be used to partially support the installation of the bioswale and the green roof, and to support the information/-education program. (Significant contributions of other agencies and organizations are supporting the majority of this overall project.)

Contract with Pottawattamie County Conservation Board:

- **Hitchcock Nature Center – Sustainable Design Demonstration, \$63,750** This contract will support a new one-year project. This project is a small component of a larger, overall project to renovate existing facilities at the Nature Center to demonstrate sustainable design practices. Pervious paving will be installed at the Nature Center to demonstrate practices to reduce potential runoff which also can be utilized throughout the entire fragile Loess Hills area. Contract funds will be used to partially support the pervious paving installation. (Significant contributions of other agencies and organizations are supporting the majority of this overall project.)

Contract with University of Iowa/University Hygienic Laboratory:

- **Assessment and Management Plan for the Iowa Great Lakes Watershed, \$260,000** This is a new project sponsored by DNR to complete a watershed assessment in the Iowa Great Lakes Watershed. Urban and rural point and nonpoint pollution sources impacting water quality will be identified. The assessment will then be used to develop a watershed management plan focusing on targeted areas within the watershed and recommending conservation practices for such areas. Contract funds will be used to support 1/3 of the Project Coordinator's salary/benefits/associated costs, a GIS specialist, and contractual services to complete the watershed assessment. (Significant contributions from other agencies and organizations will support the remaining 2/3 of the Project Coordinator salary/benefits/associated costs.)

Contract with Conservation Districts of Iowa

- **Memorandum of Agreement for Staffing Assistance, \$300,000** – The agreement will allow for DNR to contract with the Conservation Districts of Iowa (CDI) to provide 2 staff positions to DNR for Geographic Systems Information assistance and 1 staff position for the Stormwater Manager position. These positions are critical to allow continued support of DNR's efforts to address nonpoint source pollution on a statewide basis. Agreement funds will support salary, benefits and CDI indirect costs.

Ubbo Agena said that the 2006 funding will be at the \$4.6 million level and the 2007 President's budget calls for a \$10 million dollar decrease at the national level. If that were the final appropriated amount it would be about a 5% decrease from the \$4.6 million. We are seeing a downward trend, though we are unsure if that will continue. There is a lot of pressure in Washington to show results with the impaired waters. We are putting a lot of emphasis on that.

Motion was made by Lisa Davis – Cook to approve the Non-point source projects as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

DRINKING WATER STATE REVOLVING LOAN FUND – 2006 INTENDED USE PLAN FOURTH QUARTER UPDATE

Jennifer Bunton in the Water Quality Bureau presented the following item.

Commission approval of the fourth quarter update to the Drinking Water State Revolving Fund Intended Use Plan (IUP) for 2006 is requested. The Commission approved the FY 2006 IUPs in July 2005, the second quarter update in September 2005, and the third quarter update in December 2005.

The fourth quarter update includes the amended lists of projects proposed to receive loan assistance. We propose to add 14 new drinking water construction projects to the priority list. In addition, three new planning and design loans were requested this quarter.

An amount of \$1.2 million from the state program set-aside, reserved in FY 2001 but not used, was reverted to the loan fund at the Environmental Protection Agency's direction.

A public meeting was held February 9, 2006. No oral or written comments were received.

Jeff Vonk said that we can have an individual from Iowa Finance Authority come and answer your questions.

Motion was made by Donna Buell to approve the 2006 IUP as presented. Seconded by Lisa Davis-Cook. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTERS 68: “COMMERCIAL SEPTIC TANK CLEANERS” AND 69 “ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

Brent Parker Environmental Engineer Senior in the Environmental Services Division presented the following item.

The Environmental Protection Commission is asked to consider changes to IAC Chapters 68 Commercial Septic Tank Cleaners. In the 2005 legislative session HF 834 was passed and signed into law. This law required the following changes to the rules related to pumping and cleaning of rural septic tanks and the disposal of the seepage:

- Requires contractors to submit an annual waste disposal management plan.
- Requires an inspection of the sites used for disposal of seepage
- Increases the licensing fees and allows the Department to contract for inspection services with county environmental specialists
- Increases fines for violation of these rules
- Establishes a dedicated fund for the deposit of septic tank pumping contractor fees

The Department convened a stakeholders committee in late summer of 2005 to review the rules and suggest changes. The committee was made up of licensed septic pumpers and sanitarians from several areas of the state. Representatives were chosen from urban as well and rural counties. It was decided the chapter is to be rescinded and reissued because of the large number of changes.

Major changes proposed for Chapter 68 include:

- Some new or modified definitions
- The requirement for submission of an annual waste management plan
- Increase in fees from \$25 per year to an average of \$500 per year based primarily upon volume of waste pumped
- Inspection requirements for pump trucks and land disposal sites and the authority to contract with counties to do the inspections
- Requirement that portable toilet waste be only taken to a public wastewater treatment plant
- Clarification of land spreading requirements
- Increases in the fines assessed for violation of the rules from \$25 to \$250
- Seepage shall not be applied within 750 feet of an occupied residence nor within 500 feet of a well.

The subrule 69.17(1) which repeats sections of Chapter 68 will be deleted.

The Department is proposing to hold six public hearings, one in each DNR region in May.

Motion was made by Jerry Peckumn to approve the NOIA – Chapter 68 & 69 as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION: CHAPTERS 22 AND 23, AIR QUALITY PROGRAM RULES - UPDATES, REVISIONS, AND ADDITIONS

Christine Paulson, Environmental Specialist Senior presented the following item.

The Department is requesting permission from the Commission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 22 “Controlling Pollution,” and Chapter 23 “Emission Standards for Contaminants,” of the 567 Iowa Administrative Code.

The primary purpose of the proposed rule changes is to adopt into the state air quality rules several federal regulations that were finalized over the last year. The proposed rule changes also include one clarification to the state air quality rules for construction permit exemptions.

This Notice of Intended Action was presented to the Commission last month in an information item. The few changes and additions from last month's information item are noted with an asterisk below.

This rulemaking provides the following updates, revisions, and additions:

- Item 1 amends the requirements for a new or reconstructed major source of hazardous air pollutants to obtain a construction permit. The change updates the date for a federal rule citation. Although the U.S. Environmental Protection Agency (EPA) did not change the federal definition of "major source" referred to in this rule, EPA did amend the cited federal regulation to add other definitions.*
- Item 2 amends Chapter 22 to clarify the construction permit exemption for laundry activities. This amendment will specify that exempted laundry activities include only washers and dryers located at a stationary source that are used to clean and dry on-site clothing, bedding, and other fabric items with water solutions of bleach or detergents.
- Item 3 amends Chapter 22 to adopt EPA's new, preferred guideline air dispersion model, AERMOD. The model replaces the current, preferred model, ISC3. Since EPA did not require states to fully implement AERMOD until one year from federal promulgation, the rule change will not become effective until November 9, 2006. During the transition period, the Department will accept modeling conducted with either ISC3 or AERMOD. The Department will also form a stakeholder workgroup to provide recommendations to the Department for updating its Air Dispersion Modeling Guidelines.
- Item 4 amends the Title V program definitions in Chapter 22 to add the federal definition of "area source." This term refers to nonmajor sources of hazardous air pollutants (HAPs).
- Item 5 amends the Title V program definitions to delete the chemical "methyl ethyl ketone" from the list of air pollutants. EPA recently removed this chemical from the list of HAPs.
- Item 6 amends Chapter 22 to better organize the rules that specify which sources are required to obtain Title V Operating Permits. The Department did not make any substantive changes to these requirements.
- Item 7 amends Chapter 22 to add clarity to the requirements for nonmajor (area) sources to obtain a Title V Operating Permit. The Department did not make any substantive changes to these requirements.
- Item 8 amends Chapter 22 to remove the provisions for Title V exempt sources that elect to apply for a Title V Operating Permit. This change reflects EPA's removal of these provisions from federal rules.
- Item 9 amends the Title V program rules to list sources that are now permanently exempt from the requirement to obtain a Title V Operating Permit. EPA recently finalized permanent exemptions for five categories of nonmajor (area) sources. These sources are: dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers and secondary aluminum smelters. In 2002, EPA permanently exempted

nonmajor publicly owned treatment works. The Department is adding this source category to the list of exemptions. Additionally, these changes will make the list of source category exemptions more consistent with federal regulations.

- Item 10 amends the Title V program rules to update a rule cross reference so that it is consistent with amendments made in Item 5.*
- Item 11 amends Chapter 23 to adopt recent federal amendments to the new source performance standards (commonly known as NSPS). EPA amended the NSPS for steel plants to add alternative requirements for monitoring emissions from furnace exhausts. EPA also amended the NSPS regulations for combustion turbines, for boilers used in electrical generating units, and for boilers in industrial, commercial, and institutional settings. These amendments made a number of significant changes to emission limits for particulate matter, sulfur dioxide and nitrogen oxides for these source categories.*
- Item 12 amends Chapter 23 to adopt a new NSPS. EPA recently finalized the NSPS for Other Solid Waste Incineration (OSWI) units. This amendment adopts the standards for "new" OSWI. The Department is not aware of any facilities potentially subject to these standards.

EPA also finalized emission guidelines for "existing" OSWI. The Department is not proposing rules to adopt the emissions guidelines for existing OSWI at this time. The Department will first determine if there are any facilities that are potentially subject to the federal emission guidelines. If necessary, the Department will propose rules for existing OSWI at a later date.

- Item 13 amends Chapter 23 to adopt recent federal changes to the national emission standards for hazardous air pollutants for source categories (commonly known as NESHAPs). The substantive changes include the following:
 - Removal of methyl ethyl ketone from the list of hazardous air pollutants;
 - Exemption of certain area source categories from the requirement to obtain a Title V Operating Permit;
 - Retention of the health-based compliance alternatives contained in final rules for Industrial, Commercial and Institutional Boilers and Process Heaters;
 - Amendments to the rules for new and existing Refractory Products Manufacturing facilities to clarify the testing, monitoring, start-up and shutdown requirements for batch processes*; and
 - Amendments to the rules for Plywood and Composite Wood Products to retain and clarify the low-risk demonstration requirements and to make other technical changes. The amendments also revised the compliance deadline for the final rule to one year later than originally promulgated.*
- Item 14 adopts federal changes to the NESHAP for hazardous waste combustors to add hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces to the list of subject sources. The Department is not aware of any facilities subject to this NESHAP.

*Notes a change from what was presented to the Commission for information in February.

If the Commission approves this Notice of Intended Action, a public hearing will be held on Friday, May 12, 2006, at 1 p.m. at the Department's Air Quality Bureau offices. The public comment period for the proposed rules will close on May 16, 2006.

Motion was made by Jerry Peckumn to approve the NOIA – Chapters 22 and 23 as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS

Tim Hall, Chief of the Geological and Land Quality Bureau presented the following item.

The rules establish an underground storage tank (UST) compliance inspector certification program administered by the department. Owners and operators of underground storage tanks (USTS) will be required to conduct biennial compliance inspections of their UST systems using department certified compliance inspectors.

The commission acted on the Notice of Intended Action at the October 2005 commission meeting and the rules were published in the November 9, 2005 Iowa Administrative Bulletin. These rules came before the Commission for adoption at their January 16, 2006 public meeting. Due to some stakeholder comments and the Department's recommendation, the Commission decided to table adoption of the rules to give the Department and stakeholders additional time to resolve some outstanding issues.

The department held three public hearings in Denison, Coralville and Des Moines. Twelve written and oral comments were received. The main concerns were the frequency of inspections, and not allowing inspectors to inspect sites of their employer or sites where they installed or serviced the equipment. Attached is a responsiveness summary on the comments received.

The Commission expressed concern at the October meeting on impartiality of the UST inspectors and the department's ability to detect fraudulent or inaccurate inspections. It was felt an employee of the tank owner/operator or an installer of the equipment could have a conflict of interest. The Commission was most interested in receiving public comment on this issue.

The Administrative Rules Review Committee (ARRC) reviewed the notice of intended action on December 13, 2005 and listened to public comment. Although the ARRC did not adopt a specific position by motion, it is fair to say that the sense of the committee appeared to be in favor of removing the conflict of interest restrictions on compliance inspectors. The ARRC appeared to be sympathetic to the comments of Casey's Marketing Co. and the Petroleum Marketers and Convenience Stores of Iowa (PMCI). They commented on the advantages of using in-house inspectors who are well trained, familiar with company equipment and who can be integrated into their environmental compliance management systems. Many ARRC committee members observed that there is some degree of inherent conflict of interest given the financial relationship of the inspector and customer.

Casey's noted the DNR successfully allows self-inspection in other programs such as wastewater treatment plants and landfills. Using their own inspectors would be more cost effective with an inspector familiar with their operations to schedule and inspect their USTs. This would allow for a quicker response to environmental problems and coordination of repairs. Other comments received indicated restricting equipment installers from inspecting UST systems they installed or repaired rule would greatly limit the inspectors available for a tank owner. Sometimes more than one installer works on systems they own. These companies have the most knowledge of their UST system and they have confidence in the companies they hire. It was felt the inspector certification program includes training, oversight and disciplinary actions as safeguards.

The department feels the comments have merit and recommends removing these restrictions on inspectors from the rule. The electronic submittal of the inspection reports will allow the department to query inspection reports for anomalies to find and target potential problems with inspectors. As long as the department maintains adequate personnel to audit the compliance inspectors in the field, the department should be able to detect and resolve problems. The rules also require that the department receive prior notice of the inspector retained to conduct an inspection. The notice will help the department to provide oversight and auditing of self-inspections.

The proposed rules required annual inspections. PMCI initially supported annual inspections of UST systems. Currently, approximately 2/3rd of the UST systems in Iowa are inspected every year rules by their insurance carrier (Petroleum Marketers Mutual Insurance Company) for loss prevention purposes and compliance with the UST regulations. Casey's, Qwest Communications and others who self-insure wanted the inspection cycle increased to a 2-3 year cycle.

The recent Federal energy bill does contain a requirement after August 2007 states must inspect UST sites at a minimum of every three years. An earlier version of the bill had a 2-year inspection cycle. These were minimums.

Based on further discussion with a number of major stakeholders, the department has recommended adoption of a two-year cycle of inspections in the interest of reaching consensus with and the support of major stakeholders. However, these stakeholders have also agreed that the department should conduct a study over the next three years to evaluate the effectiveness and efficiencies of a two-year inspection cycle rather than an annual cycle. The stakeholders have

requested that the Commission go on public record to require the department to conduct this study.

The concerns stated by stakeholders have been resolved and they believe this is workable.

Motion was made by Donna Buell to insert the stated language into the rulemaking, “require that the Department conduct a study over the next three years to evaluate the effectiveness and efficiencies of a two year inspection cycle rather than an annual cycle”. Seconded by Henry Marquard. Roll call vote was taken: Jerry Peckumn – nay; Darrell Hanson – nay; Henry Marquard – aye; Dona Buell – aye; Sue Morrow – nay; David Petty – nay; Francis Thicke – aye; Mary Gail-Scott – nay. Motion failed.

Jeff Vonk said that the Department will conduct a report and present that to the Commission.

Motion was made Donna Buell to request that the Department to conduct a study over the next three years to evaluate the effectiveness and efficiencies of a two year inspection cycle rather than an annual cycle. Seconded by Jerry Peckumn. Motion carried unanimously.

Motion was made by Jerry Peckumn to approve the final rule – chapter 135 with the following recommendation to the Department. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Farmer’s Co-operative Society

Randy Clark said that the Department has had history with the Farmer’s Co-operative Society since 1998 when an AO was issued due to manure discharge violations including a fish kill. The AO required Farmers Coop to obtain a NPDES permit. A recent failure to retain manure at the confinement portion of the operation and the improper land application of manure evidences a pattern of inattention to manure control requirements.

Farmer’s Coop owns and operated a cattle confinement and open feedlot operation near Sioux Center. Of the approximately 12,000 head currently fed and housed at the operation, 2,000 head are kept in open lots between the confinement buildings with the remainder housed in roofed enclosures. Manure from the confinement buildings is collected and stored in an anaerobic lagoon located west of the confinement buildings.

On September 28, 2005, DNR FO3 staff investigated a complaint of manure runoff from the Farmers operation. FO3 staff observed a catch basin immediately south of the confinement buildings. Manure laden liquid from the open feedlot area was flowing from the southeast corner

of the catch basin, and then into the Six Mile Creek tributary south of the Farmer's operation. Flow in the unnamed tributary was cloudy all the way to its confluence with Six Mile Creek. Lab samples collected from the unnamed tributary at the confluence with Six Mile Creek and from Six Mile Creek downstream revealed elevated ammonia nitrogen and fecal bacteria levels compared to levels in Six Mile Creek upstream of the confluence. There was 2.08 inches of rain on September 24-25, which is far below the approximately 5 inches that would result from a 25 year, 24-hour storm event.

On January 26, 2006, FO3 staff investigated a manure release from the confinement buildings reported by Farmer's officials. The manure did not reach a water of the state. Some of the manure was contained by a sand berm. The manure spill was a result of a plugged pipe.

Farmer's officials explained that an 18 inch manure transfer pipe was plugged on January 25th and the manure transfer system was shut down. However, the pipe was still plugged when the system was restarted on January 26th, causing manure from all four confinement buildings to discharge from a manhole located just west of the southernmost confinement building. FO1 staff did instruct Farmer's officials to clean up the contained manure.

On February, 3 2006, FO3 staff observed manure solids from Farmer's operation had been applied in previous days right up to a water source that traversed the field. The manure had not been injected or incorporated. The owner of the field reported to the FO3 staff later that day that the manure was being incorporated by Farmer's staff.

The Department has calculated six violations. Due to the number and seriousness of the violations, we believe Farmer's Cooperative should be referred to the Attorney General.

Darrell Hanson asked at what point the decision was made to refer Farmer's Cooperative. Why wasn't it made earlier?

Randy Clark said that this case had already been referred from the field office to the central office around November. The other violations occurred while it was in the process so the other violations were added in.

Mary Gail Scott asked why the past violation (NOV back in 2002 – failure to submit quarterly monitoring for a year and a half) wasn't rolled into this action.

Randy Clark said that was a notice of violation. The field office decides whether a violation is referred to the central office for some sort of enforcement. There is a tier on which violations are ranked. Also, this violation occurred outside the two year statute of limitation period within which the Attorney General wants us refer cases.

Eldon McAfee, Attorney and Garrett England, Feedlot Manager represented Farmer's Cooperative LLC.

Eldon McAfee said that we are not denying any of the events stated by the Department. All of them did occur, but we request to work out the issues with the Department rather than the Attorney General.

Heritage Trails is employed by our Co-Op and many other ones. They come in from a consulting standpoint on procedures dealing with environmental and safety issues. We would contact them about manure and chemical spills, which they in turn contact the DNR.

Eldon McAfee said that this confinement has been around for many years and not too far from Sioux Center. The feedlot works with Heritage Trails which is a consulting business that helps with environmental compliance.

Garrett England is employed by our coop and many other ones, they come in from a consulting standpoint on procedures dealing with environmental and safety issues. We would contact them about manure and chemical spills, which they in turn contact the DNR.

Garrett explained the events on the September occurrence. The water run-off from the outside yards is designed to go into a lagoon or solid storage basin. What ended up happening was where the barns drain out, there must have been a blockage of some sort that reduced the flow and with the reduction of the flow and the rain received, it did not allow to drain quickly, which caused a backup into the draining area. The line is a 18-inch pipe, under normal circumstances this line can handle as much water as it's given.

Jeff Prior from the field office came by and said that we had been reported. We went out and found it. I don't know when it was reported. I was unaware of the problem until the DNR came by. I do not drive in at the Southern area, so I did not see it.

Henry Marquard asked what was blocked.

Garrett England said that the Southwest corner has a pit where the dirty water from yard drains into, that is plumbed into the flush system so it can go out into the main lagoon. In the line that goes from the buildings out to the lagoon, is where it was plugged.

David Petty asked if the crop was fully grown at this point.

Garrett said that he believes the field was harvested since it was soybeans.

Sue Morrow asked how the water gets to the clean water basin?

Garrett said that culverts are used. All of the buildings slope East to West, at the very end of it there is a culvert that is also plumbed in.

Eldon McAfee said that in my opinion it's important to understand is that where we have trouble with open feedlots is having all the clean water run-off that has not touched manure yet, if it goes into the basin itself, then you have a lot more to handle. There was a plug in the line which

allowed it to back up and then it ran over the surface into the drain water. What has been done to make sure this does not happen again?

Garrett England said that we have construction plans in place and we are planning to reduce the amount of solids going out. We are going to raise the 2 foot walls to 4 feet. As of now, nothing has been done. The line was unplugged and cleaned by a sewer company. The line has run fine ever since.

Lisa Davis Cook asked if the line is routinely checked or do you wait until something happens.

Garrett England said that there are different inlet/outlet viewing points in various locations that are checked for smooth operation on a continuous basis.

Eldon McAfee asked Garrett if the January spill was from the confinement portion not from a rainfall event.

Garrett England said that is correct. What we know happened is that it wasn't completely plugged but something was lodged in the system. We had the sewer company back in again they kept running into a blockage, so we dug up the pipe. There was plastic and twine bunched together which was reducing the flow of drainage. It must have been a fast occurrence because we didn't have any problems up until that time. It has been cleaned and is running better than before.

Eldon McAfee said that with this instance, it was discovered by Farmer's Coop and was reported to Heritage Trails so they could report it to the DNR. The DNR did come out. Nothing reached a water of the state.

Garrett England said that we were hauling solid waste from the open feedlot and land applying it with a manure spreader. A field officer came by and told us that we were within the 200 foot area of the creek. He informed us that we should stop going further and that it needed to be incorporated. The solid manure was scraped from the feedlot. The manure that was applied within the 200 feet was incorporated that day. There was no complaint, the officer just happened to be in the area. I was unaware of the 200 foot separation distance, an employee had taken the manure application class but it still happened.

Eldon McAfee said that it's important to me for this Commission to look at the fact that there were three events that occurred (one in September, one in late January and one in February). I believe that the Commission should look at the idea that maybe not all warrant a referral. Maybe one violation does but the other one doesn't.

Eldon McAfee asked Garrett if he was notified by the DNR Central Office to talk about these incidents, prior to the notification of being referred to the AG.

Garrett England said that he was not personally contacted, nor believes that none of his employees were.

Eldon McAfee said that he is troubled with the idea that the state office is just getting these and not even talking to the producer about the legal actions. I also want to point out that the January event was self reported. They did everything they could to get it cleaned up and there were no water quality violations. I'm not saying that there was no violation of the law but I hope that this Commission would look at referring people to the Attorney General when they've had an accident that occurred and that they do everything reasonably possible to address that, does it warrant referral to the Attorney General's office.

Jeff Vonk said that there is no reason for the Central office to contact the producer on this case. As a reminder to the Commission, there was a bill a year ago before the legislator that would raise the administrative ability to \$25,000. The bill was not signed. This is not a case where the penalty is even close to our administrative max. If it were closer I would understand that we could at least negotiate something. For that reason alone, we wouldn't call for a negotiation because it's not even close to our administrative maximum.

Eldon McAfee asked the Commission to look at the violations separately and decided whether or not each of them warrant referral.

Randy Clark said that the Department would not recommend separating the violations. Even to separate the occurrences, the first one is enough to warrant referral. Those violations include: a discharge to a water of the state, violation of their discharge permit, water quality violation and failure to report.

Motion was made by Donna Buell to refer Farmer's Cooperative LLC to the Attorney General. Seconded by Mary Gail Scott.

Francis Thicke said that the Attorney General's Office needs to see the whole package in order to come to a fair decision.

Henry Marquard said that only one of the violations is serious enough for referral.

Motion was made by Henry Marquard to refer only the events that occurred on September 28th, 2005. Roll call vote was taken on the amendment: Jerry Peckumn – nay; Darrell Hanson – nay; Lisa Davis – Cook – nay; Henry Marquard – aye; Donna Buell – nay; Sue Morrow – nay; David Petty – aye; Francis Thicke – nay; Mary Gail-Scott - nay. Motion to approve the amendment fails.

Roll call vote taken to refer Farmer's Cooperative to the Attorney General. Jerry Peckumn – aye; Darrell Hanson – aye; Lisa Davis-Cook – aye; Henry Marquard – nay; Donna Buell – aye; Sue Morrow – aye; David Petty – nay; Francis Thicke - aye; Mary Gail-Scott – aye. Motion carries.

REFERRED

FINAL RULE – CHAPTER 65 – OPEN FEEDLOT REGULATIONS

Gene Tinker, Coordinator of the Animal Feeding Operations presented the following item.

The Commission will be asked to approve a final rule to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the amendments is to create a separate division within Chapter 65 for regulations pertaining specifically to open feedlots. Also, Iowa Code 2003: Section 459.309 directs the department to develop rules establishing design standards for open feedlot basins. The proposed rules establish minimum design standards for manure and effluent control structures for open feedlots. Also included are construction and operation requirements for Alternative Technology Systems, as required in HF 805.

Five public hearings were held across the state in October 2005 and oral comments were heard. Additionally, the department received written comments on the proposed revisions. A responsiveness summary addressing the comments received is attached.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 459.103, the Environmental Protection Commission proposes to amend Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code. Notice of Intended Action was published in the Iowa Administrative Bulletin on September 14, 2005 as ARC 4506B.

The proposed amendments separate Chapter 65 into two divisions, one for confinement operations and one for open feedlots. In addition to creating a separate division for open feedlot regulations, minimum design standards for open feedlot manure and effluent control systems are specified.

These amendments are intended to implement Iowa Code sections 459.103 and 459.309 and HF 805.

Written comments were received by the department. In addition, oral comments were heard by the department at 5 public hearings held across the state.

As a result of the written and oral comments, further review of Chapter 65 and to clarify the rules, the following changes have been made to the Notice of Intended Action:

1. **65.1** is amended by deleting the definition of “adjacent” for open feedlots.
2. **65.2(9)** is modified to remove the reference to a release from open feedlots.
3. **65.2(9)a** Language is modified in this paragraph to require the local police department or the office of the sheriff of the affected county be contacted if the spill involves a public roadway and public

safety could be threatened. Department staff shall determine if law enforcement need to be notified for all other releases.

4. **65.2(9)c(6)** is revised to remove the reference to an open feedlot retention basin.
5. **65.6** is amended by rescinding subrule 65.6(12). This subrule described the Iowa Plan for Open Feedlots and therefore should not be in Division I. In addition the five year plan expires March 22, 2006.
6. **65.10(10)i** is changed from “open feedlot operation” to “animal feeding operation”.
7. **65.14** is rescinded. This rule refers to well separation distances for open feedlots and has been moved to Division II.
8. **65.100** is amended by modifying the definition of AT system by deleting the words “25-year, 24-hour”; deleting the definition of “grassed waterway”, which is no longer used; modifying the definition of release to include process wastewater and manure; and adding a definition for “stockpile”.
9. **65.101(4)** is amended by deleting the last sentence which erroneously referred to alternative technology systems. This subrule is for Environmental Management Systems which are not the same as alternative technology systems.
10. **65.101(5)** is amended by adding the word “known” in front of “sinkhole” to be consistent with other uses in the rule. This subrule describes prohibited discharges.
11. **65.101(6)** is added to address land application and that manure applied as specified by a nutrient management plan is that leads to a discharge due to a precipitation event is a agricultural storm water discharge.
12. **65.101(8)** is amended by removing the requirement for CAFO operations to retain all runoff from stockpiles originating from those operations. In addition the reduced separation distances to designated areas when surrounded by permanent vegetation has been deleted. Additional clarification has been added for location of stockpiles related to tile intakes, known sinkholes and areas where water ponds or has concentrated flow.
13. **65.101(9) a.** Language is modified in this paragraph to require the local police department or the office of the sheriff of the affected county be contacted if the spill involves a public roadway and public safety could be threatened. Department staff shall determine if law enforcement need to be notified for all other releases.
14. **65.103(3)** is amended by deleting the last part of the sentence.
15. **65.104(2)** is amended by changing dates to comply with federal requirements for when newly defined CAFOs must apply for NPDES permits .
16. **65.104(9)** is amended to state NPDES permits should include conditions required by federal rule.
17. **65.104(9)d** is amended by adding the word “minimum” so additional monitoring may be required for alternative technology systems if the site or design necessitates.
18. **65.104(9)d(2)1** is amended to more clearly state when quarterly monitoring samples must be taken and indicate how to proceed when there is no tile line discharge to sample.
19. **65.104(9)** paragraphs e, f and g are amended to provide better consistency in rule presentation and more specifically state which operations are required to submit reports.
20. **65.104(10)b(1)** This sub-rule is revised to more closely match other language in the rule, but without changing the requirements of the subrule.
21. **65.104(11)** is amended to state that federal requirements prevail if more stringent and a permit is to be modified, suspended or revoked.
22. **65.105(1)** This subrule is reworded to more closely match language used in Division I for when a construction permit is required. In addition the requirement to apply for a construction permit for

installation of a settled open feedlot effluent transfer piping system has been added.

23. **65.105(7)** is reworded to more clearly state that construction cannot start on the components of an open feedlot operation that are required to be approved by a construction permit. The need for a construction permit for installation of settled open feedlot effluent transfer piping was also included. The revision also requires the producer to contact the department prior to starting construction on the parts of a open feedlot operation that are not required to have a construction permit.
24. **65.109(2)c(3), 65.109(2)c(7), 65.109(3)a(1) and 65.109(3)a(2)** include revisions to remove the option of test pits for soils investigation for settled open feedlot effluent basins.
25. **65.110(1)a** has been modified by deleting the words “25-year, 24-hour”.
26. **65.110(6)e** has been revised to more clearly state that spreaders may be required to maintain uniform flow of the settled open feedlot effluent across the width of the vegetated treatment area of a VIB/VTa treatment system.
27. **65.110(6)i(3)** is added so that locations with sand pockets are not prohibited from use of a VIB/VTa treatment system if a soils investigation shows the sand pockets are isolated and won’t have an impact on groundwater.
28. **65.110(6)l** is revised to more clearly define the water bodies for which separation distances apply to the discharge point from the VTA of a VIB/VTa treatment system.
29. **65.110(7)e** is revised to more clearly state that spreaders may be required to maintain uniform flow of the settled open feedlot effluent across the width of the vegetated treatment area of a VTA treatment system.
30. **65.110(7)i** A statement is added so that locations with sand pockets are not prohibited from use of a VTA treatment system if a soils investigation shows the sand pockets are isolated and won’t have an impact on groundwater.
31. **65.110(7)l** is revised to more clearly define the water bodies for which separation distances apply to the discharge point from a VTA treatment system.

David Petty said that there have been a lot of good compromise and progress made over the years to come today with a final rule.

Motion was made by David Petty to change the time period of 180 days to submit the NPDES expansion permit for existing operations to 90 days so that it is consistent with the construction permit deadline. Seconded by Jerry Peckumn. Motion carried.

Randy Clark said that he is not aware of any problems with this amendment.

Ubbo Agena addressed the test pit issues. The concern would be that we need to get the soil put back in the hole and compacted enough to maintain the base of the seal. It can be done. I don’t see it being very easy to get the seal tight. This would be the concern with allowing the use of test pits.

Jerry Peckumn said that he is concerned with the stockpiling issue. I feel we are moving backwards by taking the manure out of a containment area. I would like to keep the current rules on stockpiling. Francis Thicke suggested that any areas of concentrated flow between the stockpile and a waterbody should have an established grassed waterway at least 200 feet from the waterbody. The grass waterways will help in separating solids, prevent erosion and will absorb some nutrients. It won’t take everything but it will help a lot. Any good farmer will be willing and should already have grassed waterways for concentrated flows.

The Commission continued discussion on what the current and proposed rules were for stockpiling.

Francis Thicke said that stockpiles shall not be located within 200 feet from a designated area or in the case of a high quality water resource within 800 feet and areas of concentrated flow between the stockpile and the designated area, shall be established grass waterways.

Darrell Hanson added the language...and the areas of concentrated flow between the facility and designated area that are within the 200 feet of the designated area must be grassed waterways.

Lisa Davis Cook asked if this applies to everyone even when there is absolutely no way for runoff to get from the stockpile to a designated area, because of the slope of the land. Do they still need grassed waterways? What if the property where the runoff goes to doesn't belong to the individual?

Gene Tinker said that it would need to be apart of the nutrient management plan. You can create berms, if the stockpile is below the berm it won't flow into the tile intake. We probably won't have a stockpile below the tile intake.

Motion was made by Donna Buell to restore the crossed out language in 65.101(8) to read... A CAFO must manage stockpiles as required by 65.101(2) or 65.101(3). Stockpiles of manure scraped from... ” Seconded by Henry Marquard. Roll call vote went as follows: Jerry Peckumn – aye; Darrell Hanson – aye; Lisa Davis Cook – aye; Henry Marquard – aye; Donna Buell – aye; Sue Morrow – aye; David Petty – nay; Francis Thicke – aye; Mary Gail Scott – aye. Amendment passes.

Motion was made by Francis Thicke to restore and revise 65.101(8)b to read as follows: “Stockpiles shall not be located within 200 feet from a designated area, or in the case of a high quality water resource, within 800 feet, and areas of concentrated flow located downslope of and within 200 feet of the stockpile, are planted with permanent vegetation cover, including filter strips and riparian forest buffers, ...” Seconded by Donna Buell. Roll call vote went as follows: Jerry Peckum – aye; Darrell Hanson – aye; Lisa Davis-Cook – aye; Henry Marquard – aye; Donna Buell – aye; Sue Morrow – aye; David Petty – nay; Francis Thicke – aye; Mary Gail Scott – aye. Amendment passes.

Motion was made by Donna Buell to approve the Final Rule for Chapter 65 as amended. Seconded by Jerry Peckmun. Motion carries.

APPROVED AS AMENDED

PROPOSED CONTESTED CASE DECISION - JERRY VANDERPLAATS

Ed Tormey, Legal Services Bureau Chief presented the following item.

Jerry Vander Plaats

On October 29, 2004, the department issued Administrative Order No. 2004-AFO-111 to Jerry Vander Plaats. The order required Mr. Vander Plaats to pay a penalty of \$3,000 for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on January 6, 2006.

A Proposed Decision was issued on January 20, 2006. The Proposed Decision affirmed, in part, and modified, in part, Administrative Order No. 2004-AFO-111. Specifically, the administrative law judge reduced the civil penalty to \$1,500 because of evidence that Mr. Vander Plaats attempted to comply with the state manure management plan requirements prior to the expiration of the grace period offered by the department.

There has been no appeal of this Proposed Decision. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of this Proposed Decision, it automatically becomes the final decision of the agency.

NO ACTION TAKEN

AIR QUALITY - TITLE V FEE BUDGET REVIEW

Wendy Rains, Environmental Specialist Senior in the Program Development Section of the Air Quality Bureau presented the following item.

The Commission will be asked to consider the SFY 2007 Title V budget in anticipation of setting the annual Title V fee at the May Commission meeting. The Air Quality Bureau budget is summarized in the attachment for information. Expenditures paid from the Title V fee fund are included in the budget. A summary of anticipated revenues is outlined at the end of the budget. A description of all expenditure areas and funding sources is listed below.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. The fee is used to support the development and administration of activities associated with major sources subject to the Title V Operating Permit Program.

Annually on March 31, sources required to obtain Title V Operating Permits submit to the department annual emissions statements for the previous calendar year. The Department totals these emissions and provides that information to the Commission no later than the May meeting. The Commission will then be asked to set the fee based on the program budget.

Air Quality Funding Sources and Cost Centers - The Air Quality Bureau budget is divided into three primary areas: Air Quality Program, Air Title V Program, and PM2.5 Monitoring. Expenditures in the two primary program areas (Air Quality Program and Air Title V) are divided between multiple expenditure (cost center) accounts and a variety of funding sources as listed in Table 1.

Clean Air Act section 105 money is awarded to the department through a Performance Partnership Grant (PPG) with the EPA. The PPG is the financial component of the Performance Partnership Agreement (PPA). The department negotiates the PPG on an annual cycle while the PPA is negotiated on a two-year cycle. The PPA contains the mutually agreed upon goals that the EPA and DNR will work together to achieve during the two year agreement period. For air quality, the tasks that must be accomplished to achieve the agreed upon goals are contained in the 105 work plan, which is an attachment to the PPA. No Title V money is included in the PPG.

Table1. Summary of Cost Centers and Funding Sources

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program	7220	CAA 105 & GF
Air Quality field office base program	7419	CAA 105 & GF
IT Support	3510	CAA 105 & GF
Air Title V includes:		
	1430	TV Fees
Legal Services	1556	TV Fees
Title V Information & Education		
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
IT Support	3520	TV Fees
PM 2.5 Monitoring includes:		
PM 2.5 Monitoring network	7240	CAA 103

* CAA 105 – Clean Air Act section 105 grant with a state match required
 CAA 103 – Clean Air Act section 103 grant with no state match required
 GF – Legislatively appropriated General Funds
 TV Fees – Title V fees

Carryover Funds - The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. The Air Quality Bureau budget is planned each year with approximately a one percent reserve. This is considered to be an adequate margin to offset factors such as higher than expected expenses, changes in the actual emissions reported, and reimbursement of fees to companies that may have over paid Title V fees in previous years.

Title V Budget Changes – The department met with a representative group of the core Title V fee payers on January 19, 2006. The fee payers reviewed the draft budget and supported the changes listed below. Total Title V Fund expenditures are proposed to be increased from the current SFY 2006 budget levels by 5% or \$415,000 in the SFY 2007 budget. The fee is proposed to increase by 6%, from \$31.60 to \$33.60. Over the period from SFY 2005 through SFY 2007, the fee has only increased by 4% due to a decrease in the fee in SFY 2006 from \$32.25 to \$31.60. Details on where changes to the budget are being proposed are listed in the attached spreadsheet in the “Notes” column.

1. Personnel and indirect costs: As the personnel costs have not been finalized, the department is using a five percent increase across the board for all FTE positions that are not capped. The indirect costs will increase from 11.46 percent to 12.29 percent in SFY 2007. Due to the annual shortfall from increased personnel costs, two FTEs were shifted from cost center 7720 to Title V. This will result in an increased level of effort on major sources. The IT consolidation in August 2005 resulted in four FTE were shifted from this cost center to the new Title V – IT cost center

(3520). The department will also create a FTE position to provide asbestos assistance to Title V sources.

2. Professional Services:

- The Linn and Polk County Local Air Quality Programs have increased personnel and benefits costs.
- The UHL contract amount reflects an increase of five percent due to increased personnel costs. The shortfall in PM 2.5 monitoring money of \$42,000 due to a reduction in CAA 103 money has also been added into the contract.
- The UNI small business assistance agreement amount reflects a small increase to cover increases in personnel costs.
- The department plans to contract with a computer consultant to continue working on SPARS maintenance issues.
- The department has budgeted \$30,000 to maintain the existing scanned images with the department's image scanning contractor Lason and proposes to spend an additional \$30,000 to continue to scan construction permit files as they come into records. This number is based on the average number of permits, correspondence, etc. that comes into records.

Actual Emissions Estimate – The department is projecting that the statewide calendar year emissions for 2005 will be very close to the average annual emissions of 230,000 tons. Actual emissions data will not be available for all Title V facilities until March 31, 2006.

Livestock Air Monitoring – As indicated in Governor Vilsack's proposed budget, the department has requested an additional appropriation that will include funding for operational expenses related to the on-going animal feeding operation field study of hydrogen sulfide and ammonia. It is still unknown at this time whether the funding will be approved by the legislature. This funding does not affect the Air Quality Program, Air Title V Program, or PM2.5 Monitoring.

INFORMATIONAL ONLY

ODOR STUDY

Sean Fitzsimmons presented the following information regarding the results of the Iowa DNR Animal Feeding Operations Odor Study.

1. Legislative Mandate for the Odor Study (459.207)
 - Comprehensive field study to measure odor emissions from animal feeding operations including each type of feeding operation structure.
 - Plans and programs may be developed if the field study shows to a reasonable degree of scientific certainty that odor is present at a separated location at levels commonly known to cause adverse health effects
2. Overview
 - 1708 odor measurements were taken by environmental specialists in the DNR field office during 2003, 2004 and 2005.
3. Description of Equipment Used for the Study
 - Scentometers – A device that dilutes odorous air with odor free air to a specified ratio.

4. Definition of an Odor Exceedance (Wyoming ambient air standard)
 - For the purposes of the odor study, an exceedance of the odor threshold at a monitoring location is determined if two odor readings separated by at least 15 minutes but not more than 1 hour both indicate that livestock odor is detectable at a seven to one dilution of odor free to ambient air.
 - Livestock odor Detectable at a dilution ratio of 7 to 1
 - Two measurements over the 7 separated by 15 minutes to one hour
5. Description of Monitoring Locations
 - On the downwind fence line of animal feeding operations
 - On the downwind fence line of a manure application area
 - At PERRC's
 - Public Use Areas
 - Educational Institutions
 - Religious Institutions
 - Residences
 - Commercial Enterprises
 - Definition of "at the PERRC" was changed from "anywhere on the property associated with the PERRC" to within 100m of the PERRC after hydrogen sulfide and ammonia rulemaking.
6. Results
 - Animal Feeding Operation Exceedance Rate (%7)
 - Operations that used deep pit storage had a lower exceedance rate than operations that used lagoons or tanks to store liquid manure
 - The exceedance rate was not simply correlated to the permitted size of the operation
 - Manure Application Exceedance Rate (11%)
 - Injection of liquid manure resulted in a lower exceedance rate than land application of liquid manure with subsequent incorporation
 - PERRC exceedance rate (4%)
 - Eleven exceedances were measured. The department determined that one of these eleven exceedances was measured at a separated location. ("Separated location" is a location of object from which a separation distance is required when constructing a CAFO or applying manure.)
 - 40% of PERRC tests were in response to complaints. 4% of those times were actual violations.
 - One exceedance rate measured at an animal feeding operation

"According to the legislation:

"The Comprehensive plans and programs may be developed if the baseline data from the field study demonstrates to a reasonable degree of scientific certainty that airborne pollutants emitted by an animal feeding operation are present at a separated location at levels commonly known to cause a material and verifiable adverse health effect."

Jerry Peckum requested information from Sean on how many complaints received from odor are actually violations. (Of 285 measurements taken in response to complaints 33 (12%) resulted in odor exceedances.-SF)

He asked about the effect of limiting measurements to normal daytime work hours; odors might be stronger at night and in the early morning since there is only a light wind.

Sean Fitzsimmons said that almost all test results were taken during normal working hours between 8 AM – 5 PM.

He acknowledged that this was a practical limitation of the design of the odor study. He contrasted the limitations of the odor study, where measurements were taken at over a thousand locations for a short time, to the limitations of the hydrogen sulfide and ammonia study, where measurements are being taken at only 10 sites near large animal feeding operations around the clock.

Darrell Hanson said that, ideally, measurements would have been taken at randomly selected locations across the state, and cautioned that the public might interpret the study results as applying broadly to all animal feeding operations, PERRC's or manure application areas, instead of just those monitored for the study. He added that the study was a good start, as it did identify exceedences, which was the primary objective of the legislation.

Francis Thicke said that his concern is that the study is confounded of measurements from complaints and some from no complaints. There is no measurement of standardization. We do not have an indication on what these numbers mean. This study has too many variables.

Sean agreed that there are many time dependent variables that can affect odor levels at the separated location, including factors at the animal feeding operation (whether manure is being agitated for land application), meteorological variables (like wind speed and mixing height), dry deposition of odorous materials onto vegetation such as crops and trees, and wet deposition of odorous gases and particles by rainfall. Odor observers were not asked to evaluate each of these factors when they took measurements. They performed odor measurements as if they were field inspectors in Wyoming or Colorado, taking measurements downwind of animal feeding operations and manure application areas during the course of their normal work activities, and responding to complaints at PERRC's during normal work hours. If the field officers could not get to the PERRC site before the wind changed, they would typically reschedule their measurements until the PERRC was downwind of the animal feeding operation.

Sean said the budget for the odor study was \$260,000. \$120K was for equipment, \$100K was for computer equipment and database programs and \$40K for training and certification. (Not including salaries.)

Jeff Vonk said that suggestions to modify the odor study design could be addressed if the legislature agreed to continue it and to appropriate the necessary funds.

INFORMATIONAL ONLY

MONTHLY REPORTS

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION RULEMAKING STATUS REPORT

March, 2006

Proposal	Notice to Commission	Notice Publish	ARC#	Rules Review	Hearing	Comment	Final Summary	Rules Adopted	Rules Publish	ARC#	Rules Review	Rule Effective
1. Ch. 20, 22 – Air Construction Permitting Exemptions	10/17/05	11/09/05	4651B	12/13/05	12/12/05	12/14/05	2/20/06	2/20/06	*3/15/06		*4/04/06	*4/19/06
2. Ch. 20, 21 and 34 – Adoption of Federal Clean Air Interstate Rule (CAIR)	12/19/05	1/18/06	4823B	2/07/06	2/27/06	2/21,22/06	*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
3. Ch. 22, 23 – Air Quality Program Rules – Updates, Revisions and Additions	3/20/06	*4/12/06		*5/02/06	*5/12/06	*5/16/06	*6/19/06	*6/19/06	*7/19/06		*8/08/06	*8/23/06
4. Ch. 23, 25 and 34 – Adoption of Federal Clean Air Mercury Rule (CAMR)	12/19/05	1/18/06	4824B	2/07/06	2/27/06	2/21,22/06	*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
5. Ch. 40, 44, 90, 91, 92, 93 – Revisions	11/21/05	12/21/05	4770B	1/10/06	1/11/06	1/11/06	2/20/06	2/20/06	*3/15/06		*4/04/06	*4/19/06

to State Revolving Fund Rules												
6. Ch. 50-54 – Water Use and Water Allocation Rules	2/20/0 6	*3/15/ 06		*4/04/ 06	*4/05/ 06	*4/12/0 6	*5/18/ 06	*5/18/ 06	*6/21/ 06		*7/04/ 06	*7/26/ 06
7. Ch. 61 – WQ Standards: Warm Weather Stream Use Designatio n Assessmen t Protocol	8/15/0 5	9/14/0 5	4504B	10/11/ 05	10/05, 10, 12,14/0 5	10/28/0 5	1/17/0 6	1/17/0 6	2/15/0 6	4895B	*3/14/ 06	*3/22/ 06
8. Ch. 61 – WQ Standards: Protected Flow, General Use Classificati on Changes and the Rebuttabl e Presumpti on Approach	8/15/0 5	9/14/0 5	4505B	10/11/ 05	10/05, 10, 12,14/0 5	10/28/0 5	1/17/0 6	1/17/0 6	2/15/0 6	4897B	*3/14/ 06	*3/22/ 06
9. Ch. 64 – Fee Collection for Wastewater Permits	10/17/ 05	11/09/ 05	4652B	12/13/ 05	11/29, 30/05 12/01/ 05	12/02/0 5	*4/17/ 06	*4/17/ 06	*5/10/ 06		*6/06/ 06	*6/14/ 06
10. Ch. 65 – Technical Corrections and Additions to Table 1 – Major Water Sources	10/17/ 05	11/09/ 05	4649B	12/13/ 05	12/01/ 05	12/01/0 5	1/17/0 6	1/17/0 6	3/01/0 6	4921B	*4/04/ 06	*4/19/ 06
11. Ch. 65 – Open Feedlot Regulation s	8/15/0 5	9/14/0 5	4506B	10/11/ 05	10/04, 05, 06, 07/05	10/14/0 5	3/20/0 6	*3/20/ 06	*4/12/ 06		*5/09/ 06	*5/17/ 06
12. Ch 65 – Designate d Wetlands	11/21/ 05	12/21/ 05	4771B	1/10/0 6	1/19, 25, 26, 31/06	2/01/06	*4/17/ 06	*4/17/ 06	*5/10/ 06		*6/06/ 06	*6/14/ 06
13. Ch. 65 – Evaluation , Denial of or Condition of Constructi on Permits or Disapprov	1/17/0 6	2/15/0 6	4898B	3/07/0 6	3/7- 10/06	3/10/06	*4/17/ 06	*4/17/ 06	*5/10/ 06		*6/06/ 06	*6/14/ 06

al or Modificati on of MMPs for Confineme nt Feeding Operations												
14. Ch. 68 – Commercial Septic Tank Cleaners; Ch. 69 – Onsite Wastewater Treatment and Disposal Systems	3/20/06	*4/12/06		*5/02/06	*5/3-4, 9, 10-11, 16/06	*5/17/06	*6/19/06	*6/19/06	*7/19/06		*8/08/06	*8/23/06
15. Ch. 101 – Solid Waste Compre hensive Planning Requirements	10/17/05	11/09/05	4650B	12/13/05	12/02/06	12/02/06	1/17/06	1/17/06	2/15/06	4896B	3/14/06	*3/22/06
16. Ch. 105 – Organic Materials Composting Facilities	1/17/06	2/15/06	4893B	3/07/06	3/15/06	3/15/06	*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
17. Ch. 135 – Technical Standards and Corrective Action Requireme nts for Owners and Operators of USTs; Ch. 134 – Certificati on of Groundwa ter Profession als	10/17/05	11/09/05	4653B	12/13/05	11/29, 30/05 12/02/05	12/02/05	3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
18. Ch. 135 – Uniform Environme ntal Covenants Policy and Procedure s	2/20/06	*3/15/06		*4/04/06	*4/05/06	*4/07/06	*5/18/06	*5/18/06	*6/21/06		*7/04/06	*7/26/06
19. Ch. 144 – Household Hazardous Materials	12/19/05	1/18/06	4824B	2/07/06	2/08/06	2/08/06	*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
20. Ch. 211 – Financial Assistance for the												

Collection of Household Hazardous Materials and Hazardous Waste from Conditionally Exempt Small Quantity Generators; Ch. 123 – Regional Collection Centers and Mobile Unit Collection and Consolidated Center	10/17/05	11/09/05	4648B	12/13/05	12/05/05	12/12/05	1/17/05	1/17/05	2/15/06	4894B	*3/14/06	*3/22/06
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AG Referrals

Name, Location and Project number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	7/18/05 11/29/05
Boyer, William Boyer's Sand & Rock Hawarden (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed	7/18/05 12/07/05
CDI, LLC Forest City (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Dos, Jim Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	7/18/05 11/29/05
Gettler, Dean Montgomery Co. (4)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	8/16/05 11/29/05
Ginger, Roger Everly (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed	5/15/05 12/07/05
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05
Kelly, Pat d/b/a Kelley	Underground	UST Closure	Order/Penalty	Referred	5/16/05

Construction Woodbine (4)	Tank				Petition Filed	12/07/05
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure Plan	to Submit	Order/Penalty	Referred	12/19/05
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal		Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05

Mobile World LC Camanche (6)	Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy	8/16/04 4/08/05 4/13/05 4/13/05 6/17/05
Moellers, Kenneth Cresco NEW	(1) Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred	2/20/06
Northeast Iowa Citizens for Clean Water (NICCW) UPDATED	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal NICCW's Motion for Summary Judgment Trial Date State's Brief in Resistance to Motion for Partial Summary Judgment Hearing on Motion for Partial Summary Judgment Ruling Granting Partial Summary Judgment Agriprocessor's Variance Application IDNR's Variance Approval EPC's Review of Variances Draft NPDES Permit Amendment Public Hearing Date	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04 2/25/05 2/27/06 5/16/05 6/02/05 6/22/05 11/04/05 11/30/05 12/19/05 2/22/06 3/28/06
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean- up Order) Contempt Application Contempt Hearing Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03

				Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03)	7/09/03 8/01/03 8/01/03 8/20/03
				Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline	9/18/03 4/16/04 12/10/04 1/05/05
				Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty	
Peterson, David Lake Mills (2)	Animal Feeding Operation	Application in Excess of Crop Usage Rate; Prohibited Discharge – Confinement; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred	11/21/05
Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred Petition Filed	9/19/05 1/10/06
Robertson, Ryan Jefferson Co. (6) UPDATED	Wastewater	Stormwater Permit Violations	Referred to Attorney General	Referred Petition Filed Trial Date	4/27/05 9/26/05 8/30/06
Roney, Jerry Huxley (5)	Underground Tank	Site Assessment	Order	Referred Petition Filed	5/16/05 12/08/05
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06
Schelling, Carl Sioux Co. (3) UPDATED	Animal Feeding Operation	Failure to Submit Plan	Order/Penalties	Referred Petition Filed Consent (\$3,225/Admin; \$1,000/Civil; Injunction)	10/18/04 1/27/05 5/31/05
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1) UPDATED	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05

						Order for Contempt (\$3,000 fine)	8/05/05
						Arrest Warrant Issued	4/01/05
						Contempt/Temporary Injunction Hearing	5/03/05
						Temporary Injunction Granted	5/03/05
						Contempt Hearing Date	7/06/05
						Contempt Hearing	8/05/05
						Order Finding Defendant in Contempt	8/05/05
						\$3,000 Fine	1/31/06
						Amended Petition	
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Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed		Answer Filed	10/18/04
							11/04/04
<hr/>							
SK Food & Fuel Davenport (6)	Underground Tank	UST Deficiencies; Check	System Site	Referred Attorney General	to	Referred Petition Filed	7/18/05
UST 8606991/1511 Locust							12/07/05
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Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed			12/06/04
				State Motion to Dismiss			1/10/05
				Hearing			3/07/05
				Trial Date			4/25/06
				Ruling Dismissing Damage			5/17/05
				Claims			2/27/06
				State's Motion for Summary Judgment			3/20/06
				Hearing Date			
<hr/>							
Williams, Dean Stuart (2)	Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed			10/17/05
							12/08/05
<hr/>							

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period February 1, 2006 through February 27, 2006, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '05	11(9)	0.672	0.691	3	0(0)
November '05	7(11)	0.167	0.045	2	0(0)
December '05	7(7)	0.028	0.010	2	0(0)
January '06	10(6)	0.441	0.002	2	0(0)
February '06	5(9)	0.068	0.008	2	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '05	18(9)	0.138	0.003	3	0(0)
June '05	7(7)	0.262	0.068	0	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '05	8(13)	0.072	0.019	3	0(0)
September '05	3(5)	0.361	0.003	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	0	0	1	1	1

Contested Cases

Date Received	Name of Case	FO	Action Appealed	Program	Assigned to	Status
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required.

						Negotiating penalty. Refer to DIA.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received

						from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	2/17/06 – Sent to DIA to be set for hearing.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Tentative settlement reached 7/22/05.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer.

						11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch. Will dismiss Easter Enterprises, Inc. as a party.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen *	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept.

						reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	1/06 – Penalty paid. Case closed.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Waiting for hearing date.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Waiting for hearing date.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and letter from WS's engineer submitted. Dept. engineer determined that letter did not meet Dept. requirements for an engineering report. Hearing re-set for 9/16/05. Settlement meeting set for 7/27/05. Meeting held – proposed consent order discussed. Hearing rescheduled for 11/08/05. 11/05 – Further negotiations on consent order. Hearing continued to 1/24/06. 1/06 – Further revisions to consent order made. Long Branch still considering consent order. Hearing continued to 5/5/06.

6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Waiting for hearing date.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	2/24/06 – Sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/SW/WW	Tack	Proposed consent order sent on 2/08/06.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
9/01/04	Marvin Maassen; Maassen & Sons	3	Order/Penalty	AFO	Book	Penalty paid 2/16/06. Case closed.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	1/06 – Penalty paid. Case closed.
9/14/04	Bill Schrock	6	Order/Penalty	WW/SW	Tack	Proposed consent withdrawal of AO sent 2/27/06.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Waiting on response from company.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/SW	Tack	2/20/06 - \$300 penalty settlement received. Case closed.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Cleaning up property.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Order and penalty affirmed.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen *	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	2/24/06 – Sent to DIA to be set for hearing.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Settlement meeting to be set.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Book	\$1,000 penalty paid 2/02/06.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Order and majority of penalty affirmed.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Hearing reset for 5/09/06.

1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement conference scheduled for October.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Waiting for hearing date.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Clean-up underway.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Hearing reset for 5/09/06.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/SW	Tack	Hearing set for 3/27/06. Settlement meeting on 3/1/06.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Settlement conference 10/27/05. UST closed in Dec., reserved penalty settlement.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Clean –up underway.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.
5/20/05	Midwest Tennis & Track	4	Order/Penalty	AQ/SW	Tack	Settlement offer sent 2/16/06.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Meeting on hold due to other violations.

8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Meeting held 1/11/06.
8/22/05	William Mauw; Mauw's Egg Ranch	3	Order/Penalty	AFO	Book	2/24/06 – Sent to DIA to be set for hearing.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	Negotiating before filing.
11/29/05	Murl R. Hansen	4	Order/Penalty	AFO	Book	Consent amendment sent to producer on 1/27/06.
1/27/06	Gold Key Motel	2	Order/Penalty	WS	Hansen	New case.
2/16/06	Maridale Farms LLC	3	Order/Penalty	AFO	Book	New case.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	New case.

DATE: March 1, 2006

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Renwick, City of (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal; Other AQ Violations	Consent Order \$1,000/\$4000 SEP	2/08/06
Larry Bergen, Worth Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$2,000	2/08/06
James Brown; Brian Stickney, Woodbury Co. (3)	Air Quality	Open Burning	Consent Amendment \$2,500	2/08/06
Dennis Nerum, Renwick (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$500	2/08/06
Curt Palmer, Renwick (2)	Air Quality	Open Burning	Consent Order \$500	2/08/06
Wayne Staab, Remsen (3)	Air Quality	Open Burning	Consent Amendment \$1,000	2/09/06
Kelderman Lime, Inc., Oskaloosa (5)	Air Quality	Monitoring/Reporting	Consent Order	2/13/06
Tom Kueter Construction Co., Springbrook (1)	Wastewater	Monitoring/Reporting; Operational Violations; Sludge Disposal; WQ Violations – General Criteria	Consent Order \$1,000	2/13/06
Stan Siems, Hardin Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Amended Order \$10,000	2/16/06

Jeff Albrecht, Humboldt Co. (2)	Air Quality	Open Burning	Consent Order \$500	2/16/06
Kenneth Moellers, Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	2/20/06
Monroe "Monty" Branstad, Winnebago Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Amended Order \$8,000	2/23/06
Edward Branstad; Jordan Branstad, Winnebago Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$8,000	2/23/06
Pieper, Inc., Lee Co. (6)	Solid Waste Animal Feeding Operation	Illegal Disposal; Prohibited Discharge	Consent Order \$5,000	2/23/06
CDR Systems Corp. dba Electrimold, Estherville (3)	Air Quality	Monitoring/Reporting	Consent Order \$1,300	2/23/06
Fred Miller dba Earthworks Contracting, Quimby (3)	Air Quality	Asbestos	Consent Order \$10,000	2/23/06
Dyersville Implement Inc., Dubuque Co. (1)	Wastewater Hazardous Condition	Prohibited Discharge; Remedial Action	Emergency Order	2/23/06
John Danker, Ft. Madison (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment	2/23/06
Long Branch Maintenance, Dexter (5)	Drinking Water	Monitoring/Reporting – Other Inorganics; MCL – Other Inorganics; Public Notice	Consent Amendment	2/24/06

**Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases**

During the period February 1, 2006, through February 28, 2006, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement Application	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	13 (15)	1 (0)	2 (6)	1 (6)	9 (3)	12 (13)	1 (2)	0 (0)	0 (0)	1 (2)
November	8 (9)	0 (2)	1 (4)	3 (1)	4 (2)	6 (6)	2 (2)	0 (0)	0 (1)	1 (1)
December	2 (2)	0 (0)	1 (2)	0 (0)	1 (0)	0 (2)	2 (0)	0 (0)	0 (0)	0 (0)
January	3 (0)	0 (0)	2 (0)	1 (0)	0 (0)	1 (0)	2 (0)	0 (0)	0 (0)	0 (0)
February	1 (1)	0 (0)	0 (0)	0 (0)	1 (1)	0 (0)	1 (0)	0 (1)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	27 (27)	1 (2)	6 (12)	5 (7)	15 (6)	19 (21)	8 (4)	0 (1)	0 (1)	2 (3)

(numbers in parentheses for the same period last year)
Total Number of Incidents Per Field Office This Period

1	2	3	4	5	6
1	0	0	0	0	0

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: March 1, 2006

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02

M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	242	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	3,930	12-17-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH			
	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Duane Crees (Muscatine Co.)	AQ/SW	963	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	133	12-15-03
Robert L. Nelson (Orient)	UT	1,919	12-26-03
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	2,625	9-01-04
Ranch Supper Club (Swisher)	WS	2,100	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
#*James Boller (Kalona)	AFO	4,316	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04

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# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Dean Pedersen (Pocahontas Co.)	AFO	450	1-19-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000	3-07-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	6,450	3-09-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,658	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Scott Antisdell (Carroll Co.)	AFO	750	6-21-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Steve Grettenberg (Webster Co.)	AFO	500	7-02-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Dr. Ed Cook (Cherokee Co.)	AQ	2,000	8-11-05
#*E & N Farms, Ltd. (Lyon Co.)	AFO	2,400	10-16-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	1,700	10-19-05
# Rick Renken (Plymouth Co.)	AFO	750	11-03-05
* Crest Country Inn (Iowa Co.) No. 2	WW	1,000	11-15-05
* Dennis Gailey (Moorland)	AQ/SW	3,700	12-01-05
# Sunray Pork, Ltd.; Tweedie Finisher Farm (Pocahontas Co.)	AFO	3,000	12-06-05
* Paul Shimp & S & V Fence Co. (Eldridge)	AQ	2,450	12-09-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	550	1-16-06
Iowa Regional Utilities Assoc.	WS	8,400	1-19-06
# Joel McNeil (Kossuth Co.)	AFO	2,500	1-21-06
# Galen and Sharon Drent (Sioux Co.)	AFO	4,000	1-21-06
# Dale Schumann (Buena Vista Co.)	AFO	4,000	1-29-06
#*Paul Rehder (O'Brien Co.)	AFO	2,250	2-01-06
* Crestview Mobile Home Park (Ames)	WW	5,000	2-01-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,500	2-03-06
Casey's Marketing Co. (5 locations)	UT	18,101	2-16-06
Casey's General Stores, Inc. (Various Locations)	UT	15,000	2-16-06
Casey's General Stores, Inc. (4 Locations)	UT	4,500	2-16-06
Casey's Marketing Co. (Jefferson)	UT	2,399	2-16-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
Anamosa, City of	WW	4,500	2-17-06
Rob Harter; Harter Custom Pumping & Septic (Dyersville)	WW	3,000	2-17-06
* John Danker (Lee Co.)	AQ/SW	4,440	2-22-06
Robert Plendl; Plendl Brothers Trucking (Kingsley)	UT	3,000	2-25-06
# Homestead Valley Farms, Inc. (Sioux Co.)	AFO	3,000	2-25-06
* Galen Drent (Boyden)	AFO	3,336	3-01-06
* Country Terrace Mobile Home Park (Ames)	WW	2,240	3-01-06
* Curt Kline; Connie Kline (Dunlap)	AQ	3,500	3-01-06
#*Rick Nikkel (Jasper Co.)	AFO	3,000	3-01-06
#*Gary R. Johnson (Allamakee Co.)	AFO	2,000	3-15-06

#*Greg Gerber (Lyon Co.)	AFO	1,125	3-21-06
CDR Systems Corp.; Electrimold (Estherville)	AQ	1,300	3-23-06
Pieper, Inc. (Lee Co.)	SW/AFO	5,000	3-23-06
Jeff Albrecht (Humboldt Co.)	AQ	500	3-23-06
Wayne Staab (Plymouth Co.)	AQ	1,000	4-01-06
Renwick, City of (\$4,000/SEP)	AQ/SW	1,000	4-08-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	10,000	4-15-06
# Larry Krogman (Lyon Co.)	AFO	3,000	4-24-06
Curt Palmer (Humboldt Co.)	AQ	500	4-24-06
Tom Kueter Construction Co., Inc. (Peosta)	WW	1,000	4-25-06
* Hull, City of	WS/WW	5,000	5-31-06
#*Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06
Larry Bergen (Worth Co.)	AQ/SW	2,000	-----
Dennis Nerum (Humboldt Co.)	AQ/SW	500	-----
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	-----
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000	-----
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
TOTAL		692,729	

The following cases have been referred to the Attorney General:

Long Branch Tavern (Monmouth)	WS	100
Long Branch Tavern (Monmouth)	WS	6,400
Long Branch Tavern (Monmouth)	WS	200
Mobile World LC (Camanche)	AQ/SW	10,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750
# Jim Dos (Black Hawk Co.)	AFO	3,000
# Travis Aldag (Ida Co.)	AFO	3,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
TOTAL		53,610

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	2,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Dallas County Care Facility (Adel)	WW	5,000
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	10,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000

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# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Alton, City of	FP	5,000
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Bill Schrock (Stockport)	SW/WW	2,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500

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MKKS, LLC (West Des Moines)	UT	4,600
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Paul Launderville; Midwest Tennis & Track (Denison)	AQ/SW	7,500
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
# William Mauw; Mauw's Egg Ranch (Sioux Co.)	AFO	3,000
# Randy Hauan (Winnebago Co.)	AFO	2,394
# Murl R. Hansen Farm Account, Inc. (Sioux Co.)	AFO	5,000
Jack and Mary Hemmingson; Gold Key Motel (Hampton)	WS	5,215
# Maridale Farms, LLC dba Wirtjers Finisher Farm (Sac Co.)	AFO	3,000
TOTAL		460,436

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
# Keith Kruse (Clay Co.)	AFO	1,500
* Galen Drent (Boyden)	AFO	166
Brian Stickney (Oto)	AQ	1,250
James Brown	AQ	1,250
# Randy Hauan (Winnebago Co.)	AFO	106
#*Greg Gerber (Lyon Co.)	AFO	250
* Country Terrace Mobile Home Park (Ames)	WW	110
* Maassen and Sons (Maurice)	AFO	1,500
Fertilizer Equipment Specialists, Inc. (Garner)	AQ/SW	1,000
Iowa Regional Utilities Assoc.	WS	8,000
Iowa Regional Utilities Assoc.	WS/WW	10,000
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	2,150
#*Gary R. Johnson (Allamakee Co.)	AFO	500
Rose Bartles (Glenwood)	AQ/SW	300
Iowa Oil Co.; HRV Petro; Genesis Two Holdings (Dubuque)	UT	1,000
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	2,150
Michael Bauer (Davenport)	UT	4,650
TOTAL		35,882

**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period February 1, 2006, through February 28, 2006, 45 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	48 (52)	6 (2)	29 (29)	13 (21)	13 (17)	28 (27)	0 (2)	2 (2)	1 (0)	4 (4)
November	55 (68)	10 (14)	35 (33)	10 (20)	16 (21)	28 (34)	0 (1)	3 (2)	1 (0)	7 (10)
December	51 (58)	5 (8)	32 (34)	14 (16)	18 (19)	29 (29)	2 (3)	1 (2)	0 (0)	1 (5)
January	62 (58)	4 (6)	35 (36)	23 (16)	18 (20)	32 (28)	0 (1)	1 (1)	0 (1)	11 (7)
February	45 (46)	2 (4)	34 (25)	9 (17)	9 (12)	33 (24)	0 (4)	2 (2)	0 (1)	1 (3)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	261 (282)	27 (34)	165 (157)	69 (90)	74 (89)	150 (142)	2 (11)	9 (9)	2 (2)	24 (29)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
11	6	3	3	9	13

GENERAL DISCUSSION

Darrell Hanson brought up the close of business time for permit extensions.

Jeff Vonk said that the Department will establish a specific time for the close of business.

Donna Buell suggested that the Department hold a joint policy and budget meeting between the Natural Resources and Environmental Protection Commissions to discuss DNR funding issues and try to bump up the Department's funding. Other outside interest groups and stakeholders

could be invited as well. This could be a meeting could be held on a Tuesday morning following the EPC meeting. I will come back with more specifics next month.

Missouri passed a constitutional amendment in 1976, so that an eighth of a percent sales tax would go for wildlife habitat. Eight years later they passed a second constitutional amendment and divided a tenth of a percent between soil and water conservation and state parks. Minnesota has a proposal right now that would take one eighth of a percent sales tax that would be divided between wildlife and their clean water act. Both states increased their overall sales tax.

A suggestion for outside groups to be involved would to have them present a ten minute presentation of what they would like to see from dedicated funding.

Lisa Davis Cook agreed that it would be a good idea to figure out what kind of funding is actually needed to accomplish the things that we really need to get done, rather than asking for a certain amount of funding because it's what is reasonable to ask for.

Henry Marquard agreed that this would be a good idea to pursue.

Darrell Hanson said that it would be great to pursue additional funding ways but not crazy about a constitutional amendment.

NEXT MEETING DATES

April 17, 2006 – DNR Air Quality Bldg. 7900 Hickman Rd, Urbandale

ADJOURNMENT

<i>Motion was made by Lisa Davis Cook to adjourn the meeting. Seconded by Mary Gail Scott. Motion carried unanimously.</i>
--

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 5:10 p.m., Monday, March 20, 2006.

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Lisa Davis Cook, Secretary

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